

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Thomas Brantmayer

Case No.:

Judge:

Debtor(s)

Chapter:

13

CHAPTER 13 PLAN AND MOTIONS

☒ Original☐ Modified/Notice Required☒ Discharge Sought☐ Motions Included☐ Modified/No Notice Required☐ No Discharge SoughtDate: January 28, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay \$450.00 Monthly to the Chapter 13 Trustee, starting on February 1, 2017 for approximately 30 additional months, plus amounts paid to date.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings☒ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☒ Sale of real property
 35 Danna Lane, Bridgeton, NJ
 Proposed date for completion: 7/1/2017

Non-exempt proceeds from sale will be contributed to plan as they are available.

☐ Refinance of real property
 Description:
 Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
John W. Hargrave, Esquire (JH9935)	Attorney Fees	2,000.00
Cumberland County Probation	Domestic support obligations	Debtor is currently paying arrears (\$50/ week) outside of plan and will continue to pay arrears until full amount is cured. [Approx \$2,300 arrears as of date of case filing] \$0.00 to be paid through plan
Internal Revenue Service	Taxes and certain other debts	\$5,854.19
Frank H. Rose	Attorney Fees per 7/28/16 order	\$4,290
McDowell Posternock Apell & Detrick, PC	Attorneys Fees per 1/12/17 order	\$6,100.25

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.							
<u>Creditor</u>	<u>Collateral</u>	<u>Scheduled Debt</u>	<u>Total Collateral Value</u>	<u>Superior Liens</u>	<u>Value of Creditor Interest in Collateral</u>	<u>Annual Interest Rate</u>	<u>Total Amount to Be Paid</u>
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

<u>Creditor</u>	<u>Collateral to be Surrendered</u>	<u>Value of Surrendered Collateral</u>	<u>Remaining Unsecured Debt</u>
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

<u>Creditor</u>
Bank of America, N.A.
Chrysler Capital
Hudson City Savings Bank

e. Secured Claims to be paid in full through the Plan

<u>Creditor</u>	<u>Collateral</u>	<u>Total Amount to be Paid through the Plan</u>
Hudson City Savings Bank	35 Danna Lane, Bridgeton, NJ	\$0.00 through plan. Balance owed to be paid in full at closing on sale of 35 Danna Lane, Bridgeton, NJ
Bank of America	35 Danna Lane, Bridgeton, NJ	\$0.00 through plan. Balance owed to be paid in full at closing on sale of 35 Danna Lane, Bridgeton, NJ

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

x *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** Claims shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>
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Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation

☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

To the extent the provisions in this section conflict with other provisions in this plan, the provisions of this section shall control.

Secured claims shall be treated as stated above.

Late filed or disallowed unsecured claims will be entitled to a 0% distribution under this plan.

Upon successful completion of this plan and the entry of a discharge, any and all claims for equitable distribution against the Debtor shall be discharged. This includes, without limitation, any claim for ownership in the Debtor's real property located at 35 Danna Lane, Bridgeton, NJ 08302 or the equity therein.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/5/2016.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
In response to Trustee's Motion to Dismiss and to address changed circumstances.	Plan is no longer 100% due to amount of claims filed and difficulty in selling real estate. Plan provides for turnover of non-exempt proceeds of sale of real estate. Plan duration extended an additional 30 months to provide for payment of additional attorneys' fees and costs. Plan provides for sale of real estate by 7/1/2017.
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date January 28, 2017

/s/ Daniel L. Reinganum

Daniel L. Reinganum, Esquire
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date January 28, 2017

Signature /s/ Thomas Brantmayer

Thomas Brantmayer
Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Thomas Brantmayer
 Debtor

Case No. 15-29435-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 26

Date Rcvd: Feb 06, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 08, 2017.

db	+Thomas Brantmayer, 35 Danna Lane, Bridgeton, NJ 08302-4307
aty	+Frank H Rose, Four Greentree Centre, 601 Route 73, Suite 304, Marlton, NJ 08053-3475
cr	+BANK OF AMERICA, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
r	+Jan Reimer, Re/Max Connection - Mantua, 140 Bridgeton Pike, Mantua, NJ 08051-1569
515794718	+Amanda Brantmayer, 84 Foster Road, Bridgeton NJ 08302-6077
515996571	BANK OF AMERICA, N.A., BANK OF AMERICA, N.A., PO BOX 31785, TAMPA FL 33631-3785
515794721	+Bank of America, 1800 Tapo Canyon Road, Simi Valley CA 93063-6712
515835040	+CHRYSLER CAPITAL, P.O. BOX 961275, FORT WORTH, TX 76161-0275
515794723	Chrysler Capital, PO Box 660335, Dallas TX 75266-0335
515794725	+Donald E. Foley, CEO, Wilmington Trust, NA, 1100 N. Market Street, Rodney Square North, Wilmington DE 19801-1243
515794726	Drew Molotsky, Esq., Adinolfi & Lieberman, P.A., 4 Kings Highway East, Haddonfield NJ 08033-2002
515794727	+Emmanuel J. Argentieri, Esq., Romano Garubo & Argentieri, 52 Newton Ave, PO Box 456, Woodbury NJ 08096-7456
515794728	+Frank Rose, Esq., Four Greentree Center, 601 Route 73 North, Suite 304, Marlton NJ 08053-3475
515939108	M&T BANK, PO BOX 1508, BUFFALO, NY 14202
515949593	M&T Bank, successor by merger to, Hudson City Savings Bank, Attn. Payment Processing, PO Box 1288, Buffalo, NY 14240-1288
515949594	+M&T Bank, successor by merger to, Hudson City Savings Bank, Attn. Payment Processing, PO Box 1288, Buffalo, NY 14240-1288, M&T Bank, successor by merger to 14240-1288
515794732	+Wilmington Trust, National Association, 1100 North Market Street, Rodney Square North, Wilmington DE 19801-1243

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Feb 06 2017 22:52:32 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 06 2017 22:52:31 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
515794720	E-mail/Text: bankruptcy@pepcoholdings.com Feb 06 2017 22:52:12 Atlantic City Electric, PO Box 4875, Trenton NJ 08650
515830284	E-mail/Text: bankruptcy@pepcoholdings.com Feb 06 2017 22:52:12 Atlantic City Electric Company, Pepco Holdings, Inc., Bankruptcy Division, Mail Stop 84CP42, 5 Collins Drive, Suite 2133, Carneys Point, NJ 08069-3600
515794722	+E-mail/Text: cowens@nationwideacceptance.com Feb 06 2017 22:52:57 Bank of America, N.A., c/o Nationwide Acceptance, 105 Decker Ct. Suite 725, Irving TX 75062-2815
515794729	+E-mail/Text: camanagement@mtb.com Feb 06 2017 22:52:20 Hudson City Savings Ba, Hudson City Savings Bank, 80 W Century Road, Paramus NJ 07652-1478
515833150	+E-mail/Text: camanagement@mtb.com Feb 06 2017 22:52:20 Hudson City Savings Bank, West 80 Century Road, Paramus, NJ 07652-1478
515794730	+E-mail/Text: cio.bncmail@irs.gov Feb 06 2017 22:52:03 Internal Revenue Service, PO Box 7346, Philadelphia PA 19101-7346
515794731	E-mail/Text: camanagement@mtb.com Feb 06 2017 22:52:20 M & T Bank, Attn: Bankruptcy, 1100 Wehrle Dr 2nd Floor, Williamsville NY 14221

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515794719*	+Amanda Brantmayer, 84 Foster Road, Bridgeton NJ 08302-6077
515794724	##+Cumberland County Prob, Po Box 636, Bridgeton NJ 08302-0438

TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 26

Date Rcvd: Feb 06, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 08, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 6, 2017 at the address(es) listed below:

Daniel L Reinganum on behalf of Debtor Thomas Brantmayer dreinganum@MPADLaw.com,
kgresh@mpadlaw.com;djamison@mpadlaw.com;jhughes@mpadlaw.com
Daniel L Reinganum on behalf of Realtor Jan Reimer dreinganum@MPADLaw.com,
kgresh@mpadlaw.com;djamison@mpadlaw.com;jhughes@mpadlaw.com
Denise E. Carlon on behalf of Creditor M&T Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Emmanuel J. Argentieri on behalf of Creditor M&T Bank, successor by merger to Hudson City
Savings Bank bk@rgalegal.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Jennifer R. Gorchow on behalf of Creditor BANK OF AMERICA, N.A. nj.bkecf@fedphe.com
TOTAL: 7